

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 300 be amended to read as follows:

- 1 Page 2, line 28, after "IC 35-42-4" insert "**, a crime of family**
- 2 **violence (as defined in IC 35-41-1-6.5), "**.
- 3 Page 4, line 5, after "(a)" insert "**This subsection does not apply to**
- 4 **reimbursement for forensic and evidence gathering services**
- 5 **provided under section 39 of this chapter."**.
- 6 Page 4, line 9, delete "the office of Medicaid" and insert "**is**
- 7 **provided under the reimbursement method that is determined by**
- 8 **the board of directors of the Indiana comprehensive health**
- 9 **insurance association in accordance with IC 27-8-10-3."**.
- 10 Page 4, delete lines 10 through 11.
- 11 Page 5, delete lines 15 through 20.
- 12 Page 6, line 28, after "any" insert "**paid or otherwise**
- 13 **compensated"**.
- 14 Page 6, line 31, after "of" insert "**paid or otherwise compensated"**.
- 15 Page 7, line 25, strike "emergency" and insert "**forensic and**
- 16 **evidence gathering"**.
- 17 Page 8, line 6, strike "emergency" and insert "**forensic and evidence**
- 18 **gathering"**.
- 19 Page 8, line 34, after "for" insert "**the"**.
- 20 Page 8, line 34, strike "in providing the following services:" and
- 21 insert "**of providing forensic and evidence gathering services."**.
- 22 Page 8, line 36, delete "(1)".
- 23 Page 8, line 36, strike "Appropriate procedures for acquiring
- 24 adequate evidence".
- 25 Page 8, strike lines 37 through 38.
- 26 Page 8, line 39, delete "(2)".
- 27 Page 8, line 39, strike "Records of the results of examinations and
- 28 tests made by".
- 29 Page 8, strike line 40.
- 30 Page 8, line 41, delete "(3)".
- 31 Page 8, line 41, strike "Appropriate counseling for the victim."

1 Page 9, between lines 9 and 10, begin a new paragraph and insert:  
 2 "SECTION 19. IC 16-18-2-139.5 IS ADDED TO THE INDIANA  
 3 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2006]: **Sec. 139.5. "Forensic and evidence**  
 5 **gathering services"**, for purposes of IC 16-21-8, means the  
 6 following:

7 (1) **Appropriate procedures for acquiring evidence that may**  
 8 **be used in a criminal proceeding against a person charged**  
 9 **with a sex crime.**

10 (2) **Initial pregnancy and sexually transmitted disease testing**  
 11 **related to the alleged sex crime.**

12 (3) **Alcohol and drug testing.**

13 (4) **Syphilis testing up to ninety (90) days after the alleged sex**  
 14 **crime.**

15 (5) **Pregnancy testing up to thirty (30) days after the alleged**  
 16 **sex crime.**

17 (6) **Other sexually transmitted disease testing up to thirty (30)**  
 18 **days after the alleged sex crime.**

19 (7) **Suturing and care of wounds that stem directly from the**  
 20 **sex crime, including anesthesia and prescribed medication.**

21 (8) **Mental health counseling concerning problems directly**  
 22 **related to the sex crime.**

23 SECTION 20. IC 16-21-8-0.6, AS ADDED BY P.L.90-2005,  
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2006]: Sec. 0.6. As used in this chapter, "provider" means a  
 26 hospital or licensed medical services provider that provides **emergency**  
 27 **forensic and evidence gathering** services to a victim.

28 SECTION 21. IC 16-21-8-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A hospital  
 30 licensed under IC 16-21-2 that provides general medical and surgical  
 31 hospital services shall provide **emergency hospital forensic and**  
 32 **evidence gathering** service, in accordance with rules adopted by the  
 33 victim services division of the Indiana criminal justice institute, to all  
 34 alleged sex crime victims who apply for **hospital emergency forensic**  
 35 **and evidence gathering** services in relation to injuries or trauma  
 36 resulting from the alleged sex crime.

37 (b) For the purposes of this chapter, the following crimes are  
 38 considered sex crimes:

39 (1) Rape (IC 35-42-4-1).

40 (2) Criminal deviate conduct (IC 35-42-4-2).

41 (3) Child molesting (IC 35-42-4-3).

42 (4) Vicarious sexual gratification (IC 35-42-4-5).

43 (5) Sexual battery (IC 35-42-4-8).

44 (6) Sexual misconduct with a minor (IC 35-42-4-9).

45 SECTION 22. IC 16-21-8-2 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Community or  
 47 areawide plans may be developed by the hospitals.

48 (b) A hospital may participate with at least one (1) other hospital in

1 a community or an areawide plan to furnish ~~hospital emergency~~  
 2 **forensic and evidence gathering** services to alleged sex crime victims.  
 3 A hospital participating in the plan must furnish the ~~hospital emergency~~  
 4 **forensic and evidence gathering** services that the plan designates to  
 5 an alleged sex crime victim who applies for ~~hospital emergency~~  
 6 **forensic and evidence gathering** services for injuries or trauma  
 7 resulting from the alleged sex crime.

8 SECTION 23. IC 16-21-8-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A hospital ~~providing~~  
 10 **emergency hospital that provides forensic and evidence gathering**  
 11 **services shall provide the forensic and evidence gathering services**  
 12 to an alleged sex crime victim under this chapter ~~shall provide the~~  
 13 ~~following~~ with the consent of the alleged sex crime victim and as  
 14 ordered by the attending physician.

15 (1) ~~Appropriate medical care:~~

16 (2) ~~Appropriate procedures for acquiring adequate evidence that~~  
 17 ~~may be used in a criminal proceeding against a person accused of~~  
 18 ~~the sex crime:~~

19 (3) ~~Records of the results of examinations and tests made by the~~  
 20 ~~hospital:~~

21 (4) ~~Appropriate counseling for the victim:~~

22 SECTION 24. IC 16-21-8-4 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The victim services  
 24 division of the Indiana criminal justice institute shall assist in the  
 25 development and operation of programs that provide ~~emergency~~  
 26 **forensic and evidence gathering** services to alleged sex crime victims,  
 27 and if necessary, provide grants to hospitals for this purpose.

28 SECTION 25. IC 16-21-8-5, AS AMENDED BY P.L.90-2005,  
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2006]: Sec. 5. (a) The division may not award compensation  
 31 or reimbursement under this chapter unless the following conditions are  
 32 met:

33 (1) If the victim is at least eighteen (18) years of age:

34 (A) the sex crime must be reported to a law enforcement  
 35 officer within ninety-six (96) hours after the crime's  
 36 occurrence; and

37 (B) the victim must cooperate to the fullest extent possible  
 38 with law enforcement personnel to solve the crime.

39 (2) If the victim is less than eighteen (18) years of age, a report of  
 40 the sex crime must be made to child protective services or a law  
 41 enforcement officer. The division may not deny an application for  
 42 reimbursement under this subdivision based on the victim  
 43 reporting the sex crime more than ninety-six (96) hours after the  
 44 crime's occurrence.

45 (b) If the division finds a compelling reason for failure to report to  
 46 or cooperate with law enforcement officials and justice requires, the  
 47 division may suspend the requirements of this section.

48 (c) A claim filed for services provided at a time before the provision

1 of the ~~emergency forensic and evidence gathering~~ services for which  
 2 an application for reimbursement is filed is not covered under this  
 3 chapter.  
 4 SECTION 26. IC 16-21-8-6, AS AMENDED BY P.L.90-2005,  
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2006]: Sec. 6. (a) When a provider provides ~~emergency~~  
 7 ~~services forensic and evidence gathering services~~ under this chapter  
 8 to a victim, the provider shall furnish the services without charge.  
 9 (b) The division shall reimburse a provider for the cost for providing  
 10 services and shall adopt rules and procedures to provide for  
 11 reimbursement.  
 12 (c) The application for reimbursement must be filed not more than  
 13 one hundred eighty (180) days after the date the service was provided.  
 14 (d) The division shall approve **or deny** an application for  
 15 reimbursement filed under subsection (b) not more than one hundred  
 16 twenty (120) days after receipt of the application for reimbursement.  
 17 (e) A provider may not charge the victim for services required under  
 18 this chapter despite delays in reimbursement from the division."  
 19 Renumber all SECTIONS consecutively.  
 (Reference is to SB 300 as printed January 27, 2006.)

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Senator YOUNG R MICHAEL